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FOLEY AND LARDEN
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

EXAMINER

LASTRA, DANIEL

ART UNIT	PAPER NUMBER
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3622

MAIL DATE	DELIVERY MODE
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07/17/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/023,886	SHIMAZU, HIDEO	
	Examiner	Art Unit	
	DANIEL LASTRA	3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 04/10/2007.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 2-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 2-27 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application
- 6) Other: _____.

DETAILED ACTION

1. Claims 2-27 have been examined. Application 10/023,886 (Information providing server, client, information providing system processing method, recording medium recording a program, and advertisement providing method) has a filing date 12/21/2001 and foreign priority 12/25/2000.

Response to Amendment

2. In response to Notice to the applicant regarding a Non-Compliant Amendment filed 04/05/2007, the Applicant filed an Amendment on 04/10/2007, which cancel claim 1 and amended claims 2, 4, 5, 8-12, 15-17 and 19-27. Applicant's amendment overcame the Section 101 rejection.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 7, 9, 14 and 17 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claim 7 recites "defining a threshold value to display the maximum number of viewpoint positions of other users when displaying the viewpoint positions of other users. Applicant's specification is not enabling in disclosing how a user that is

browsing a third-dimensional browser can also see the position of other users that are also browsing a location similar to the user. Claim 9 recites “movement history when the viewpoint position of said user is within surrounding area of said landmark defined by said range inside and outside judgment distance information from positional information included in said extracted landmark position and using the extracted movement history to calculate the first time and the last time in which the viewpoint position of said user passes through said surrounding area of said landmark”. Applicant’s specification is not enabling in teaching in how to determine if a user passes a location in a three-dimensional browser. Claims 14 and 17 recite “viewpoint position of the user and to add and display other users positions marks showing other users to said viewpoint position in said three-dimensional image”. Applicant’s specification is not enabling in explaining how a user browsing a three-dimensional browser can also see the position of other user browsing a three dimensional browser.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 7, 9, 14 and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 7 recites “defining a threshold value to display the maximum number of viewpoint positions of other users when displaying the viewpoint positions of other users. For purpose of art rejection said limitation would be interpreted as marking a position object in an online map. Claim 9 recites “movement

history when the viewpoint position of said user is within surrounding area of said landmark defined by said range inside and outside judgment distance information from positional information included in said extracted landmark position and using the extracted movement history to calculate the first time and the last time in which the viewpoint position of said user passes through said surrounding area of said landmark". For purpose of art rejection said limitation would be interpreted as determining when a map of a predetermined area is displayed in a browser in order to determine the browsing location of a user. Claims 14 and 17 recite "viewpoint position of the user and to add and display other users positions marks showing other users to said viewpoint position in said three-dimensional image". For purpose of art rejection said limitation would be interpreted as marking a position object in an online map.

Claim 2 recites the limitation "the same area" in line 6. There is insufficient antecedent basis for this limitation in the claim.

Claims 8, 9, 13 and 19 recite "langrage representation". For purpose of art rejection said limitation would interpreted as "language representation".

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 2-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hirono (US 6,882,348) in view of Herf (US 6,734,873).

As per claim 2, Hirono teaches:

An information providing server comprising:

image data storage means for storing image data generated based on image information in which a physical position is clearly described and in which the same area is photographed from different locations, and storing positional information showing the position of said image data (see figure 5);

advertisement placing information storage means for storing advertisement placing information including at least a placing period and a placed location of an advertisement by adding an ID for each advertisement (see figure 5);

image synthesizing means for reading the image data from said image data storage means based on a *viewpoint of a user*, reading from said advertisement placing information storage means said advertisement placing information having said placing period including the current date data and said placed location included in said image data read based on said *viewpoint of a user*, and synthesizing said read image data with said advertisement placing information to generate synthesis image data (see figure 5);

advertisement contract storage means for storing contract information including an ID added to said advertisement placing information, the name of an 'advertisement placing person who desires to place an advertisement, and a contract money amount (see col 7, lines 45-50); and

advertisement contract means for executing a contract process of an advertisement placing request upon reception of said advertisement placing request from said advertisement placing person and updating said advertisement placing information stored in said advertisement placing information storage means based on said contract information stored in said advertisement contract storage means (see col 7, lines 45-50).

wherein the synthesis image data includes the advertisement placed at a particular location corresponding to the placed location in a image corresponding to the image (see Hirono col 7, lines 20-50). Hirono fails to teach that said image data is a three-dimensional image data. However, Herf teaches a system of displaying three-dimensional images in a browser (see col 7, lines 30-50). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Hirono would use the Herf's system to presents three-dimensional image to a user's browser in order that said user has a better browsing experience.

As per claim 3, Hirono teaches:

The information providing server according to claim 1 or 2, further comprising image data conversion means for generating image data based on image information in which the same area is photographed from different locations and in which a physical position is clearly described (see fig 5). Hirono fails to teach that said image data is a three-dimensional image data. However, Herf teaches a system of displaying three-dimensional images in a browser (see col 7, lines 30-50). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to

know that Hirono would use the Herf's system to presents three-dimensional image to a user's browser in order that said user has a better browsing experience.

As per claim 4, Hirono teaches:

An information providing server comprising:

image data storage means for storing three-dimensional image data generated based on image information in which a physical position is clearly described and in which the same area is photographed from different locations, and storing positional information showing the position of said image data (see figure 5);

advertisement placing information storage means for storing advertisement placing information including at least a placing period and a placed location of an advertisement by adding an ID for each advertisement (see col 8, lines 1-15);

image synthesizing means for reading the image data from said three-dimensional image data storage means based on *viewpoint of a user*, reading from said advertisement placing information storage means said advertisement placing information having said placing period including the current date data and said placed location included in said image data read based on said *viewpoint of a user*, and synthesizing said read image data with said advertisement placing information to generate synthesis image data (see figure 5);

and image browser means for generating, based on a desired viewpoint position, a *rendered image rendered* from said synthesis image data outputted from said image synthesizing means (see figure 5); *wherein the synthesis image data includes the advertisement placed at a particular location corresponding to the placed*

location in a image corresponding to the image (see Hirono col 7, lines 20-50). Hirono fails to teach that said image data is a three-dimensional image data. However, Herf teaches a system of displaying three-dimensional images in a browser (see col 7, lines 30-50). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Hirono would use the Herf's system to presents three-dimensional image to a user's browser in order that said user has a better browsing experience.

As per claim 5, Hirono teaches:

An information providing server comprising:

image data storage means for storing image data generated based on image information in which a physical position is clearly described and in which the same area is photographed from different locations, and storing positional information showing the position of said image data (see figure 5);

advertisement placing information storage means for storing advertisement placing information including at least a placing period and a placed location of an advertisement by adding an ID for each advertisement (see col 14, lines 45-60);

image synthesizing means for reading the image data from said image data storage means based on *viewpoint of a user*, reading from said advertisement placing information storage means said advertisement placing information having said placing period including the current date data and said placed location included in said image data read based on said *viewpoint of a user*, and synthesizing said read image data

with said advertisement placing information to generate synthesis image data (see figure 5);

image browser means for generating, based on a desired viewpoint position, a *rendered image rendered* from said synthesis image data outputted from said image synthesizing means (see figure 5);

advertisement contract storage means for storing contract information including an ID added to said advertisement placing information, the name of an advertisement placing person who desires to place an advertisement, and a contract money amount (see col 7, lines 45-50); and advertisement contract means for executing a contract process of an advertisement placing request upon reception of said advertisement placing request from said advertisement placing person and updating said advertisement placing information stored in said advertisement placing information storage means based on said contract information stored in said advertisement contract storage means (see col 7, lines 45-55); *wherein the synthesis image data includes the advertisement placed at a particular location corresponding to the placed location in a image corresponding to the image* (see Hirono col 7, lines 20-50). Hirono fails to teach that said image data is a three-dimensional image data. However, Herf teaches a system of displaying three-dimensional images in a browser (see col 7, lines 30-50). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Hirono would use the Herf's system to presents three-dimensional image to a user's browser in order that said user has a better browsing experience.

As per claim 6, Hirono teaches:

The information providing server according to claim 4 or 5, further comprising image data conversion means for generating image data based on image information in which a physical position is clearly described in which the same area is photographed from different locations (see figure 5). Hirono fails to teach that said image data is a three-dimensional image data. However, Herf teaches a system of displaying three-dimensional images in a browser (see col 7, lines 30-50). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Hirono would use the Herf's system to presents three-dimensional image to a user's browser in order that said user has a better browsing experience.

As per claim 7, Hirono teaches:

The information providing server according to claim 4 or 5, further comprising:
user data storage means for recording the ID of a user and the viewpoint position of said user;

other users maximum display threshold value storage means for storing an other users maximum display threshold value for defining a threshold value to display the maximum number of viewpoint positions of other users when displaying the viewpoint positions of the other users (see col 9, lines 35-45 "marker");

user position display means for adding a user position mark showing the user to the viewpoint position of the user in said image stereoscopic representation provided to said user, fetching from data stored in said user data storage means the viewpoint positions of said other users and said user IDs up to said threshold value defined by

said other users maximum display threshold value in the order close to the viewpoint position of said user, and adding other users position marks showing said other users to said viewpoint positions (see col 9, lines 30-45; position marker); and

interaction connection means for regarding, as persons to interact with, the user IDs of said other users corresponding to given specified other users position marks when said user specifies said given other users position marks and starting an interacting function program to provide connection (see col 9, lines 30-45). Applicant's specification is not enabling for said limitation, therefore, the Examine would interpret said limitation as meaning a displaying marker location in a Internet map. Hirono fails to teach that said image data is a three-dimensional image data. However, Herf teaches a system of displaying three-dimensional images in a browser (see col 7, lines 30-50). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Hirono would use the Herf's system to presents three-dimensional image to a user's browser in order that said user has a better browsing experience.

As per claim 8, Hirono teaches:

An information providing server comprising:

image data storage means for storing image data generated based on image information in which a physical position is clearly described and in which the same area is photographed from different locations, and storing positional information showing the position of said image data (see figure 5);

advertisement placing information storage means for storing advertisement placing information including at least a placing period and a placed location of an advertisement by adding an ID for each advertisement (see col 14, lines 35-60);

image synthesizing means for reading the image data from said three-dimensional image data storage means based on browsing location specification information, reading from said advertisement placing information storage means said advertisement placing information having said placing period including the current date data and said placed location included in said image data read based on said *view point of a user*, and synthesizing said read image data with said advertisement placing information to generate synthesis image data (see figure 5);

image browser means for generating, based on a desired viewpoint position, a *rendered image rendered* from said synthesis image data outputted from said image synthesizing means (see col 14, lines 45-60);

landmark position storage means for storing landmark information including language representation *information* about the name or contents corresponding to a landmark existing in said image data and positional information on the position of said landmark (see figure 12); and

search engine means for searching for page data including the contents related to a keyword from a set of page data when said keyword is given as input and generating link information to said page data (see col 14, lines 45-60),

wherein said image browser means refers to said positional information included in said landmark information of said landmark position storage means when related

information presentation related to the position is commanded, specifies the corresponding landmark information, outputs said language representation information of the landmark information to said search engine means, and allows said search engine means to generate link information of page data related to the landmark information (see figure 12). *wherein the synthesis image data includes the advertisement placed at a particular location corresponding to the placed location in a image corresponding to the image* (see Hirono col 7, lines 20-50). Hirono fails to teach that said image data is a three-dimensional image data. However, Herf teaches a system of displaying three-dimensional images in a browser (see col 7, lines 30-50). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Hirono would use the Herf's system to presents three-dimensional image to a user's browser in order that said user has a better browsing experience.

As per claim 9, Hirono teaches:

An information providing server comprising:

image data storage means for storing image data generated based on image information in which a physical position is clearly described and in which the same area is photographed from different locations, and storing positional information showing the position of said image data (see figure 12);

advertisement placing information storage means for storing advertisement placing information including at least a placing period and a placed location of an advertisement by adding an ID for each advertisement (see col 6, lines 1-25);

image synthesizing means for reading the image data from said image data storage means based on *viewpoint of a user*, reading from said advertisement placing information storage means said advertisement placing information having said placing period including the current date data and said placed location included in said image data read based on said *viewpoint of a user*, and synthesizing said read image data with said advertisement placing information to generate synthesis image data (see figure 12);

image browser means for generating, based on a desired viewpoint position, a *rendered image rendered* from said synthesis image data outputted from said image synthesizing means (see figure 12);

landmark position storage means for storing landmark information including a language representation about the name or contents corresponding to a landmark existing in said image data and positional information on the position of said landmark (see figure 12);

search engine means for searching for page data including the contents related to a keyword from a set of page data when said keyword is given as input and generating link information to said page data (see col 14, lines 45-60);

user stay landmark storage means for storing a landmark stay *record* including said landmark where a user stays and the stay time at the landmark (see figure 12);

all movement history storing means for recording a movement history including the viewpoint position of said user and the time (see figure 12);

stay time threshold value storage means for storing a stay time threshold value showing time to stay around a landmark necessary for judging that said user is interested in said landmark (see figure 12);

range inside and outside judgment distance storage means for storing range inside and outside judgment distance information showing definition of the peripheral position from the position of a landmark necessary for judging that said user is interested in said landmark (see figure 12);

stay time calculation means for extracting said landmark information from said landmark position storage means, using positional information of the landmark information and said range inside and outside judgment distance information stored in said range inside and outside judgment distance storage means to extract from said all movement history storing means said movement history when the viewpoint position of said user is within a *surrounding area of said landmark* defined by said range inside and outside judgment distance information from *positional information included in* said extracted landmark position, and using the extracted movement history to calculate the first time and the last time in which the viewpoint position of said user passes through *said surrounding area of said landmark* (see figure 12);

and user stay landmark judgment means for comparing a stay time which is a difference between said last time and said first time calculated by said stay time calculation means with said stay time threshold value stored in said stay time threshold value storage means, and when said stay time is above said stay time threshold value, using said language representation information of said landmark information to store

said landmark name and said stay time into said user stay landmark storage means, wherein said image browser means refers to said positional information included in said landmark information of said landmark position storage means when related information presentation related to the position is commanded, specifies the corresponding landmark information, outputs said language representation information of the landmark information to said search engine means, and allows said search engine means to generate link information of page data related to the landmark information (see figure 12). *wherein the synthesis image data includes the advertisement placed at a particular location corresponding to the placed location in a image corresponding to the image* (see Hirono col 7, lines 20-50). Hirono fails to teach that said image data is a three-dimensional image data. However, Herf teaches a system of displaying three-dimensional images in a browser (see col 7, lines 30-50). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Hirono would use the Herf's system to presents three-dimensional image to a user's browser in order that said user has a better browsing experience.

As per claim 10, Hirono teaches:

The information providing server according to claim 9, further comprising:
all information search command history storing means for recording an information presentation command history including the landmark name in which said user commands related information presentation related to the position and the time (see figure 12; col 6, lines 15-30); and

user behavior record presentation means for outputting said landmark stay *record* of said user stay landmark storage means or said information presentation command history of said all information search command history storing means when a manager commands to present the summing result (see col 6, lines 15-30).

Claims 11-27 contains the same limitation as claims 1-10 therefore, the same rejection is applied.

Response to Arguments

5. Applicant's arguments filed 04/10/2007 have been fully considered but they are not persuasive. The Applicant argues that the claim term "threshold value defines by said other users maximum display threshold value in the order close to the viewpoint position of the user" is not indefinite because the position of a user is represented as the viewpoint of the user. The Examiner answers that Applicant's specification is not enabling in explaining how a user that is using a three-dimensional browser to find a landmark, also detects other users also using a three-dimensional browser.

The Applicant argues that Hirono does not teach the claimed invention contract means. The Examiner answers that Hirono teaches in col 7, lines 45-50 "the contents of the individual fields of the advertisement correlation database depend on contracts made between companies and so forth that want to place advertisements on the map home page". Therefore, contrary to Applicant's argument, Hirono teaches Applicant's contract means limitation.

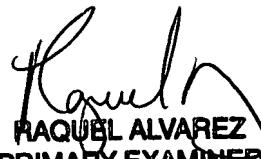
Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

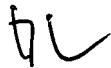
Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL LASTRA whose telephone number is 571-272-6720 and fax 571-273-6720. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ERIC W. STAMBER can be reached on 571-272-6724. The official Fax number is 571-273-8300.



RAQUEL ALVAREZ
PRIMARY EXAMINER

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Daniel Lastra
June 27, 2007